

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
LITIGATION**

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No. 18-md-2323 (AB)

MDL No. 2323

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

Hon. Anita B Brody

**DECLARATION OF MITCHELL A. TOUPS
PURSUANT TO THIS COURT'S ORDER DATED MARCH 28, 2018**

Mitchell A. Touns declares the following, pursuant to 28 U.S.C. §1746, based upon his personal knowledge and belief:

1. I am a partner at Weller, Green, Touns & Terrell, L.L.P.. Pursuant to this Court's Ordered dated March 28, 2018, I submit this Declaration.

2. I was Objector Counsel for the "Armstrong Objectors" in *In re National Football League Players' Concussion Injury Litigation*, MDL No. 2323 (E.D. Pa.) [ECF No. 64] and I am seeking fees from the settlement improvements made to the overall settlement by the Objectors.

3. Weller, Green, Touns & Terrell, L.L.P. ("WGTT") has represented in the past for purposes of objections to the settlement 28 class members.

4. WGTT does not represent the 28 class members for any individual settlement benefits that they may be entitled to, as they have either filed their own claims or have obtained other counsel to file their individual claims.

5. I have attached Exhibit "A" which lists the Court's Questions and my answers to those questions.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 1, 2018

/s/ Mitchell A. Toups

Mitchell A. Toups

Weller, Green, Toups & Terrell, L.L.P.

P.O. Box 350

Beaumont, Texas 77704

Telephone: (409) 838-0101

Facsimile: (409) 832-8577

E-mail: matoups@wgttlaw.com

Exhibit "A"

1. How many Settlement Class Members have you, your law firm or any attorney associated with your law firm:

- a. Previously represented in this litigation and currently do not represent?

Response:

28

- b. Currently represent in this litigation?

Response:

0

2. How many Settlement Class Members previously or currently represented by you, your law firm or any attorney associated with your law firm:

- a. Have Received Monetary Award?

Response:

Unknown, as all previous clients are now handling their own claim or have other counsel.

- b. Have been informed that they are entitled to receive a monetary award.

Response:

Unknown. See (a) above.

- c. Have applied for a Monetary Award.

Response:

Unknown. See (a) above.

- d. That you have knowledge that they will be eligible to receive a Monetary Award?

Response:

Unknown. See (a) above.

3. How many Settlement Class Members previously or currently represented by you, your law firm or any attorney associated with your law firm have entered agreements to assign their rights to a Monetary award (“Assignment(s)”)”? Assignments include any agreements that are similar to the agreements attached to this court’s Explanation and Order relating to the Third Party Funder Litigation [ECF No. 9531]. Assignments further include but are not limited to any agreement with any of the following third party litigation funders:

- Atlas Legal Funding, LLC (to include the following related entities: Atlas Legal Funding I, L.P., and Atlas Legal Funding II, L.P.)
- Cambridge Capital group, LLC (to include the following related entities: Cambridge Capital Group equity Option Opportunities, L.P., and Cambridge Capital Partners, L.P.)
- Cash4Cases, Inc.
- Global Financial Credit, LLC
- HMR Funding, LLC (to include the following related entities: HMRF Fund I, LLC and HMRF Fund II, LLC)
- Justice Funds/Justicefunds, LLC
- Ludus Capital, LLC
- Peachtree Funding Northeast, LLC/Settlement Funding, LLC (to include the following related entities: Peachtree Settlement Funding, LLC, Peachtree Originations, LLC, Peachtree Financial Solutions, LLC, Peach Holdings, LLC, PeachHI, LLC, Orchard Acquisition Co., LLC, JGWPT Holdings, LLC, JGWPT Holdings, Inc., J.G. Wentworth, LLC, J.G. Wentworth S.S.C. Limited Partnership, J.G. Wentworth Structured Settlement Funding, II, LLC, and Structures Receivables Finance #4, LLC)
- Pravati Legal Funding/Pravati Capital, LLC
- RD Legal Funding, LLC (to include the following related entities: RD Legal Finance, LLC, and RD Legal Funding Partners, LP)
- Thrivest Specialty Funding, LLC
- Top Notch Funding/Top notch Loans/Top Notch Funding II, LLC
- Walter Preston Capital Holdings, LLC
- Case Strategies Group (formerly, NFL Case Consulting, LLC)
- Legacy Pro Sports, LLC

Response:

None as far as we know, but previous clients either have no counsel or other counsel now.

4. Of the total number of Settlement Class Members included in your answer(s) to Question #2, how many of these Settlement Class Members have also entered into the Assignments referenced in Question #3?

Response:

Unknown. See answer to #3 above.

5. Are you, your law firm or any attorney associated with your law firm, obligated to pay or forward (directly or indirectly) any portion of a Settlement Class Member's Monetary Award to any third party litigation funder?

Response:

No.

6. Explain any other role that you, your law firm, or any attorney associated with your law firm may have had in creating, promoting, or facilitating the Assignments referenced in question #3 and/or the obligations referenced in question #5.

Response:

Not applicable.

7. Do you, your law firm, any attorney associated with your law firm or any individual or entity related to your law firm have any direct or indirect (professional or personal) association with any of the third party litigation funders used by Settlement Class Members previously or currently represented by you, your law firm or any attorney associated with your law firm? If so, provide details of that association. If any of these individuals and/or entities had such an association in the past, provide details of that association. If any of these individuals and/or entities anticipates having such an association in the future, provide details of that association.

Response:

No.

8. Have any of the Assignments referenced in question #3 been resolved in accordance with the rescission process provided for in ECF No. 9517? If so, indicate those that have been resolved by their designated letter (See "Documents," below) and the date of the resolution:

Response:

Not applicable.

9. Attach true and correct copies of the following documents to the declaration:
- a. Any assignments referenced in question#3.
 - b. Any collateral documents to the Assignments referenced in subsection (a), including, but not limited to:
 - i. Any documents creating, or relating to, any of the obligations referenced in question #5;
 - ii. Any documents relating to an assignment referenced in question #3 where you, your law firm or any attorney associated with your law firm is named or is a signatory; and/or
 - iii. Any other documents related to an Assignment referenced in question #3 that are in your, your law firm, or any attorney associated with your law firm's possession, custody or control.
 - c. All versions and drafts of the documents described in subsections (A)-(B) and all such documents entered into or proposed, even if such documents have been terminated or replaced by subsequent documents.
 - d. All written communications regarding any of the documents described in subsections (A)-(C) between any third party litigation funder and you, your law firm, or any attorney associated with your law firm.

Response to A-D:

Not Applicable/No Documents

10. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of May, 2018.

/s/ Mitchell A. Toups
Mitchell A. Toups